

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

CRP.No. 271 of 2006()

OPEA.260/2005 of II ADDL.DISTRICT COURT,ERNAKULAM
.....

REVN. PETITIONER: 2ND RESPONDENT:

K.M. SHAMSUDHEEN, AGED 35,
S/O. MUSTHAFI, KIZHAKKEDATH HOUSE, EDATHALA,
ALUVA EAST VILLAGE.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS: PETITIONER/RESPONDENTS 1 AND 3:

1. M.M. ALIKUNJU, AGED 37,
S/O. MARAKKAR, MUNELIL HOUSE, EDATHALA,
ALUVA EAST VILLAGE.
2. DISTRICT SOCIAL WELFARE OFFICER,
CIVIL STATION, KAKKANAD (RETURNING OFFICER,
VAZHAKKULAM BLOCK PANCHAYAT).
3. PRATHEEP ARAVINDAKSHAN, AGED 42,
S/O. ARAVINDAKSHAN, CHIRANGARA HOUSE,
F.K.C. P.O., THEVAKKAL.

BY ADV. SRI.MURALI PURUSHOTHAMAN FOR R2

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

Order on I.A.1273/06 in C.R.P. No.271/06

29.11.06 Dismissed Sd/- M.Sasidharan Nambiar

/true copy/

P.S. To Judge

M.Sasidharan Nambiar,J.

C.R.P.No.271 of 2006

Dated this the 29th day of November,2006

O.R.D.E.R

Petitioner is the successful candidate in the election conducted to Ward No.XII of Vazhakulam Block Panchayat on 24.9.05. First respondent filed O.P.(Election) No.260/05, challenging the election on several grounds. Petitioner contended that no grounds are made out and therefore election petition is to be dismissed. Under order dated 27.2.06, court below answered issue No.1 and found that election petition is maintainable. It is challenged in this revision petition filed under section 115 of the Code of Civil Procedure. An election petition could be dismissed on preliminary grounds only as provided under section 93(1) of Kerala Panchayat Raj Act. That dismissal is contemplated only for non-compliance of the provisions of Sections 89, 90 or 115 of the Act. The objection raised by petitioner was not on any

of the grounds as provided under section 93(1) of the Act.

The Revision Petition is therefore dismissed with liberty to the petitioner to agitate the grounds at the time of final disposal of the petition.

M.Sasidharan Nambiar
Judge

tpl/-

M.SASIDHARAN NAMBIAR, J.

CRL.R.P.NO. /97

ORDER

MARCH, 2006